

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KENNETH P. TEMPLETON,

Petitioner,

ORDER

v.

08-cv-511-slc

DIANE M. NICKS, Judge
and PAUL HUMPHREY, A.D.A.,

Respondents.

Petitioner Kenneth Templeton, a prisoner at the Fox Lake Correctional Institution in Fox Lake, Wisconsin, has submitted a proposed complaint. Because petitioner's complaint is not accompanied by the \$350 filing fee, I construed his submission to include a request for leave to proceed *in forma pauperis*. A decision on the request will be delayed until petitioner pays an initial partial payment of the filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Petitioner's initial partial payment cannot be calculated at this time because he did not submit a trust fund account statement with his complaint. His trust fund account statement should cover the six-month period beginning approximately February 18, 2008 and ending approximately August 18, 2008. 28 U.S.C. § 1915(a)(2). Once petitioner has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under 28 U.S.C. § 1915(e)(2).

ORDER

IT IS ORDERED that petitioner may have until September 25, 2008, in which to submit a trust fund account statement for the period beginning approximately February 18, 2008 and ending approximately August 18, 2008. If, by September 25, 2008, petitioner fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily. In that case, the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 5th day of September, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge